CTR #	Constituent	Units	Minimum Frequency of Analysis
47	2,4-Dimethylphenol	µg/L	semiannually
48	2-Methyl-4,6-Dinitrophenol	µg/L	semiannually
49	2,4-Dinitrophenol	µg/L	semiannually
50	2-Nitrophenol	µg/L	semiannually
51	4-Nitrophenol	µg/L	semiannually
52	3-Methyl-4-Chlorophenol	µg/L	semiannually
53	Pentachlorophenol	µg/L	semiannually
54	Phenol	µg/L	semiannually
55	2,4,6-Trichlorophenol	µg/L	semiannually
56	Acenaphthene	µg/L	semiannually
57	Acenaphthylene	µg/L	semiannually
58	Anthracene	µg/L	semiannually
59	Benzidine	µg/L	semiannuall
60	Benzo(a)Anthracene	µg/L	semiannually
61	Benzo(a)Pyrene	µg/L	semiannually
62	Benzo(b)Fluoranthene	µg/L	semiannually
63	Benzo(g,h,i)Perylene	µg/L	semiannually
64	Benzo(k)Fluoranthene	µg/L	semiannually
65	Bis(2-Chloroethoxy)Methane	µg/L	semiannually
66	Bis(2-Chloroethyl)Ether	µg/L	semiannually
67	Bis(2-Chloroisopropyl)Ether	µg/L	semiannually
68	Bis(2-Ethylhexyl)Phthalate	µg/L	monthly
69	4-Bromophenyl Phenyl Ether	µg/L	semiannually
70	Butylbenzyl Phthalate	µg/L	semiannually
71	2-Chloronaphthalene	µg/L	semiannually
72	4-Chlorophenyl Phenyl Ether	µg/L	semiannually
73	Chrysene	µg/L	semiannually
74	Dibenzo(a,h)anthracene	µg/L	semiannually
75	1,2-Dichlorobenzene	µg/L	semiannually
76	1,3-Dichlorobenzene	µg/L	semiannually
77	1,4-Dichlorobenzene	µg/L	semiannually
78	3,3'-Dichlorobenzidine	µg/L	semiannually
79	Diethyl Phthalate	µg/L	semiannually
80	Dimethyl Phthalate	µg/L	semiannually
81	Di-n-Butyl Phthalate	µg/L	semiannually
82	2,4-Dinitrotoluene	µg/L	semiannually
83	2,6-Dinitrotoluene	µg/L	semiannually
84	Di-n-Octyl Phthalate	µg/L	semiannually
85	1,2-Diphenylhydrazine	µg/L	semiannually
86	Fluoranthene	µg/L	semiannually

CTR #	Constituent	Units	Minimum Frequency of Analysis
87	Fluorene	µg/L	semiannually
88	Hexachlorobenzene	µg/L	semiannually
89	Hexachlorobutadiene	µg/L	semiannually
90	Hexachlorocyclopentadiene	µg/L	semiannually
91	Hexachloroethane	µg/L	semiannually
92	Indeno(1,2,3-cd)Pyrene	µg/L	semiannually
93	Isophrone	µg/L	semiannually
94	Naphthalene	µg/L	semiannually
95	Nitrobenzene	µg/L	semiannually
96	N-nitrosodimethylamine	µg/L	semiannually
97	N-Nitrosodi-n-Propylamine	µg/L	semiannually
98	N-Nitrosodiphenylamine	µg/L	semiannually
99	Phenanthrene	µg/L	semiannually
100	Pyrene	µg/L	semiannually
101	1,2,4-Trichlorobenzene	µg/L	semiannually
102	Aldrin	µg/L	semiannually
103	Alpha-BHC	µg/L	semiannually
104	Beta-BHC	µg/L	semiannually
105	Gamma-BHC (Lindane)	µg/L	monthly
106	Delta-BHC	µg/L	semiannually
107	Chlordane	µg/L	semiannually
108	4,4'-DDT[19]	µg/L	semiannually
109	4,4'-DDE[19]	µg/L	semiannually
110	4,4- DDD[19]	µg/L	semiannually
111	Dieldrin	µg/L	semiannually
112	Alpha-Endosulfan	µg/L	semiannually
113	Beta-Endosulfan	µg/L	semiannually
114	Endosulfan sulfate	µg/L	semiannually
115	Endrin	µg/L	semiannually
116	Endrin aldehyde	µg/L	semiannually
117	Heptachlor	µg/L	semiannually
118	Heptachlor epoxide	µg/L	semiannually
	Polychlorinated biphenyls (PCBs)		
119	Aroclor 1016	µg/L	semiannually
120	Aroclor 1221	µg/L	semiannually
121	Aroclor 1232	µg/L	semiannually
122	Aroclor 1242	µg/L	semiannually
123	Aroclor 1248	µg/L	semiannually
124	Aroclor 1254	µg/L	semiannually
125	Aroclor 1260	µg/L	semiannually
126	Toxaphene	µg/L	semiannually

CTR #	Constituent	Units	Minimum Frequency of Analysis
	Barium	µg/L	quarterly
	Methoxychlor	µg/L	semiannually
	2,4-D	µg/L	semiannually
	2,4,5-TP (Silvex)	µg/L	semiannually
	Diazinon [14]	µg/L	semiannually
	Pesticide [15]	µg/L	semiannually

3. In the event of a spill or bypass of raw or partially treated sewage from the Burbank Water Reclamation Plant into the Burbank Western Wash and Los Angeles River, total and fecal coliform analyses shall be made on grab samples collected at all potentially affected downstream receiving water stations and at least one unaffected upstream receiving water station.

   Coliform samples shall be collected at each station on the date of the spill or bypass, and daily on each of the following four days or until coliform levels in the receiving water are within normal range and the bypass or spill has ceased. Monitoring Provisions for SSOs are outlined in the Order under Section IV.I.

4. At the same time the receiving waters are sampled, observations shall be made in the reach bounded by the Stations, and a log shall be maintained thereof.

   A. Attention shall be given to the presence and extent, or absence of:

      a. oil, grease, scum, or solids of waste origin;

      b. sludge deposits;

      c. discoloration of surface waters;

      d. algal blooms;

      e. odors;

      f. foam; and,

      g. other significant observations in immediate vicinity (i.e. storm drain flows, etc.).

   B. The following shall also be noted in the log:

      a. date and time of observation;

      b. weather days conditions (including air temperature);

c. flow measurement (estimate in cubic feet per second, cfs);

d. exact sampling location;

e. users of water in the River (i.e. people washing, swimming and playing in the river, etc.);

f. non-contact users (i.e. bikers, joggers, etc.); and,

g. wildlife (i.e. birds, mammals, reptiles, estimated amount of vegetation).

C. A summary of these observations noted in the log shall be submitted with the monitoring reports.

5. The City shall monitor the receiving water downstream of the discharge, during any day that the filters are bypassed, for BOD, suspended solids, settleable solids, and oil and grease, until it is demonstrated that the filter "bypass" has not caused an adverse impact on the receiving water. The City shall submit a written report to the Regional Board, according to the corresponding monthly self monitoring report schedule. The report shall include, the results from the daily receiving water monitoring. However, if the results are not available in time to be submitted with the corresponding monthly report, then, the results shall be submitted to the Regional Board as soon as the results become available.

6. Receiving water samples shall not be taken during or within 48 hours following the flow of rainwater runoff into the Burbank Western Wash and the Los Angeles River systems.

7. Sampling may be rescheduled at receiving water stations, if weather and flow conditions would endanger personnel collecting receiving water samples. The monthly monitoring report shall note such occasions.

VIII. WATERSHED-WIDE MONITORING PROGRAM

1. The goals of the Watershed-wide Monitoring Program for the Los Angeles River Watershed are to:

A. Determine compliance with receiving water limits;

B. Monitor trends in surface water quality;

C. Ensure protection of beneficial uses;

D. Provide data for modeling contaminants of concern;

E. Characterize water quality including seasonal variation of surface waters within the

watershed;

F. Assess the health of the biological community; and,

G. Determine mixing dynamics of effluent and receiving waters in the estuary.

2. The Discharger shall participate in the implementation of the Watershed-wide Monitoring Program. The City's responsibilities under the Watershed-wide Monitoring Program are described in the Receiving Water Monitoring Requirements section. To achieve the goals of the Watershed-wide Monitoring Program, revisions to the Receiving Water Monitoring Requirements will be made under the direction of USEPA and the Regional Board. The City shall participate with interested stakeholders in the Los Angeles River Watershed (such as, the City of Los Angeles, Southern California Coastal Water Research Project (SCWRP), the Los Angeles River Watershed Council, the San Gabriel Mountains Regional Conservancy, and the Rivers and Mountains Conservancy), in the development and implementation of a watershed-wide monitoring program. The Discharger shall submit a draft Watershed-wide Monitoring Program by December 31, 2007, to the Regional Board. In the interim, the Discharger shall submit quarterly progress reports detailing ongoing efforts towards the development of a Watershed-wide Monitoring Program. The first report should be received in the Regional Board office by April 10, 2007.

3. In coordination with the Los Angeles County Public Works, the City of Los Angeles, and other interested stakeholders in the Los Angeles River Watershed, the Discharger shall conduct instream bioassessment monitoring once a year, during the spring/summer period (unless an alternate sampling period is approved by the Executive Officer). Over time, bioassessment monitoring will provide a measure of the physical condition of the waterbody and the integrity of its biological communities.

   A. The bioassessment program shall include an analysis of the community structure of the instream macroinvertebrate assemblages and physical habitat assessment at the monitoring stations R-1, R-2, and R-3.

      This program shall be implemented by appropriately trained staff. Alternatively, a professional subcontractor qualified to conduct bioassessments may be selected to perform the bioassessment work for the Discharger. Analyses of the results of the bioassessment monitoring program, along with photographs of the monitoring site locations taken during sample collection, shall be submitted in the corresponding annual report. If another stakeholder, or interested party in the watershed subcontracts a qualified professional to conduct bioassessment monitoring during the same season and at the same location as specified in the MRP, then the Discharger may, in lieu of duplicative sampling, submit the data, a report interpreting the data, photographs of the site, and related QA/QC documentation in the corresponding annual report.

   B. The Discharger must provide a copy of their Standard Operation Procedures (SOPs) for the Bioassessment Monitoring Program to the Regional Board upon

request. The document must contain step-by-step field, laboratory and data entry procedures, as well as, related QA/QC procedures. The SOP must also include specific information about each bioassessment program including: assessment program description, its organization and the responsibilities of all its personnel; assessment project description and objectives; qualifications of all personnel; and the type of training each member has received.

C. Field sampling must conform to the SOP established for the California Stream Bioassessment Procedure (CSBP) or more recently established sampling protocols, such as used by the Surface Water Ambient Monitoring Program (SWAMP). Field crews shall be trained on aspects of the protocol and appropriate safety issues. All field data and sample Chain of Custody (COC) forms must be examined for completion and gross errors. Field inspections shall be planned with random visits and shall be performed by the Discharger or an independent auditor. These visits shall report on all aspects of the field procedure with corrective action occurring immediately.

D. A taxonomic identification laboratory shall process the biological samples that usually consist of subsampling organisms, enumerating and identifying taxonomic groups and entering the information into an electronic format. The Regional Board may require QA/QC documents from the taxonomic laboratories and examine their records regularly. Intra-laboratory QA/QC for subsampling, taxonomic validation and corrective actions shall be conducted and documented. Biological laboratories shall also maintain reference collections, vouchered specimens (the Discharger may request the return of their sample voucher collections) and remnant collections. The laboratory should participate in an (external) laboratory taxonomic validation program at a recommended level of 10% or 20%. External QA/QC may be arranged through the California Department of Fish and Game's Aquatic Bioassessment Laboratory located in Rancho Cordova, California.

IX. GROUNDWATER MONITORING

A. Groundwater monitoring wells stations shall be determined following the Discharger's submittal of an EO-approved groundwater well monitoring system. Initially there shall be a minimum of one well sampled. The well network may consist of an already established network, or a cooperative network shared among other dischargers.

B. The following analyses, which constitute the groundwater monitoring program, shall be conducted on grab samples obtained at the approved monitoring well locations:

The Discharger shall monitor the following pollutants, at a minimum:

Constituent	Units	Minimum Frequency of analysis
Arsenic	µg/L	Semiannually
Bis(2-ethylhexyl)phthalate	µg/L	Semiannually

Constituent	Units	Minimum Frequency of analysis
Total Trihalomethanes	µg/L	Semiannually
Iron	µg/L	Semiannually

The list of constituents to be sampled may be expanded, according to the EO approved groundwater well monitoring system.

X. COMPLIANCE WITH WEEKLY AND MONTHLY AVERAGE LIMITS

1. For any weekly monitored constituent: if any result of a weekly analysis exceeds the 7-day average limit (or the monthly average limit if no 7-day limit is prescribed), the frequency of analysis shall be increased to daily within one week of knowledge of the test results. Daily testing shall continue for at least 7 consecutive days and until compliance with the 7-day average limit is demonstrated, after which the frequency shall revert to weekly.

2. For monthly monitored constituents, refer to the Compliance Determination discussion contained in Section IV.E of the WDR.

XI. STORM WATER MONITORING AND REPORTING

The City shall implement the Storm Water Monitoring Program and Reporting Requirements of the State Water Resources Control Board's General NPDES Permit No. CAS000001 and Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities (General Industrial Permit, Order No. 97-03-DWQ), or any subsequent revision of the General Industrial Permit.

XII. PRETREATMENT REPORT

The Discharger shall submit annually a report to the Regional Board, with a copy to USEPA (Region 9), describing the discharger's pretreatment activities over the previous twelve months. In the event the Discharger is not in compliance with any pretreatment conditions or requirements in this permit, then the Discharger shall also include the reasons for non-compliance and state how and when the Discharger shall comply with such conditions and requirements. The annual report is due on April 15 of every year. The annual report shall contain, but not be limited to, the information required in the attached "Pretreatment Reporting Requirements Annual Report." (Attachment P), or any approved revised version thereof. Refer to Section III of the Waste Discharge Requirements (NPDES Order No. R4-2006-0085) and Attachment P for additional reporting and monitoring requirements.

XIII. FOOTNOTES

[1] Where continuous monitoring of a constituent is required, the following shall be reported:

Total waste flow - Total daily flow and peak daily flow (24-hour basis);

Turbidity - Maximum daily value, total amount of time each day that turbidity exceeded five (5) turbidity units, the flow-proportioned average daily value.

Total residual chlorine -

* Grab samples shall be collected at end of pipe during peak flow.

** Total residual chlorine (TRC) shall be continuously recorded. The recorded charts shall be maintained by the Permittee for at least five years. The maximum daily peak, minimum daily peak, and daily average total residual chlorine shall be reported on the monthly monitoring reports.

*** Continuous monitoring of TRC at the current location shall serve as an internal trigger for increased TRC end of pipe grab sampling if either of the following occur, except as noted in footnote [3]c:

a. TRC concentration excursions of up to 0.3 mg/L lasting greater than 15 minutes; or

b. TRC concentration peaks in excess of 0.3 mg/L lasting greater than 1 minute.

c. Additional end of pipe grab samples need not be taken if it can be demonstrated that a stoichiometrically appropriate amount of dechlorination chemical has been added to effectively dechlorinate the effluent to 0.1 mg/L or less for peaks in excess of 0.3 mg/L lasting more than 1 minute, but not for more than five minutes.

**** Daily grab samples shall be collected Monday through Friday only, except for holidays; and not on weekends.

[2] Total trihalomethanes shall mean the sum of bromoform, chloroform, chlorodibromomethane, and dichlorobromomethane.

[3] Coliform and turbidity samples shall be obtained at some point in the treatment process at a time when wastewater flow and characteristics are most demanding on the treatment facilities, filtration, and disinfection procedures. Fecal coliform testing shall be conducted only if total coliform test result is positive.

[4] The Discharger has the option of collecting grab temperature samples on a daily basis or using a recorder to take continuous temperature readings.

[5] If any result of a weekly BOD analysis yields a value greater than the 30-day average limit, the frequency of analysis shall be increased to daily within one week of knowledge of the

test result for at least 30 days and until compliance with the 7-day and 30-day average BOD limits is demonstrated; after which the frequency shall revert to weekly.

[6] MBAS is Methylene blue active substances and CTAS is cobalt thiocyanate active substances. Reaches of Los Angeles River are unlined in certain reaches downstream of the points of wastewater discharge and are designated with the beneficial use of groundwater recharge (GWR) in the Basin Plan. Monitoring is required to assess compliance with the Title 22-based limit prescribed to protect underlying groundwater quality with the MUN beneficial use.

[7] See MRP Section VI.4.B.

[8] See Section VI.4.A.

[9] Perchlorate shall be analyzed using the USEPA 314 test method.

[10] 1,4-Dioxane shall be analyzed using the USEPA 8270c test method.

[11] 1,2,3-Trichloropropane shall be analyzed using the USEPA 504.1 test method.

[12] Methyl tert-butyl ether (MTBE) shall be analyzed using USEPA test method 8260B.

[13] In accordance with the SIP, the Discharger shall conduct monitoring for the seventeen 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD or dioxin) congeners in the effluent and in receiving water station R-1, located upstream of the discharge point. The Discharger shall use the appropriate Toxicity Equivalence Factor (TEF) to determine Toxic Equivalence (TEQ). Where TEQ equals the product between each of the 17 individual congeners' (i) concentration analytical result (C_i) and their corresponding Toxicity Equivalence Factor (TEF_i), (i.e., $TEQ_i = C_i \times TEF_i$). Compliance with the Dioxin limitation shall be determined by the summation of the seventeen individual TEQs, or the following equation:

$$\text{Dioxin concentration in effluent} = \sum_{1}^{17}(TEQ_i) = \sum_{1}^{17}(C_i)(TEF_i)$$

[14] Diazinon sampling shall be conducted concurrently with the receiving water chronic toxicity sampling.

[15] Pesticides are, for purposes of this order, those six constituents referred to in 40 CFR, Part 125.58 (m) (demeton, guthion, malathion, mirex, Methoxychlor, and parathion).

[16] If gross α activity exceeds 5 pCi/L in any sample, measurement of Ra^{226} shall be made; if Ra^{226} exceeds 3 pCi/L, measurement of Ra^{228} shall be made. If gross β activity exceeds 50 pCi/L in any sample, an analysis of the sample shall be performed to identify the major constituents present and compliance with Title 17, Section 30269 shall also be demonstrated.

[17] Regional Board Resolution No. 2003-009, *Amendment to the Basin Plan for the Los Angeles Region to Include a TMDL for Nitrogen Compounds and Related Effects in the Los Angeles River (Nitrogen Compounds TMDL)*, requires weekly receiving water monitoring to ensure compliance with the water quality objective.

[18] Algal biomass as chlorophyll a.

[19] This shall mean the sum of the p,p' and o,p' isomers.

Ordered by:

Jonathan S. Bishop
Executive Officer

Date: November 9, 2006
/AVC

EXHIBIT B

BOARD MEETING

STATE OF CALIFORNIA

LOS ANGELES

REGIONAL WATER QUALITY CONTROL BOARD

PARTIAL TRANSCRIPT

THE METROPOLITAN WATER DISTRICT

OF SOUTHERN CALIFORNIA, BOARD ROOM

700 NORTH ALAMEDA STREET

LOS ANGELES, CALIFORNIA

THURSDAY, NOVEMBER 9, 2006

10:49 a.m.

TIFFANY C. KRAFT, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

APPEARANCES

BOARD MEMBERS

Mr. H. David Nahai, Chair

Ms. Francine Diamond, Vice Chair

Ms. Susan Cloke

Ms. Bonny Herman

Ms. Mary Ann Lutz

Ms. Maribel Marin

Mr. Leo Vander Lans

STAFF

Mr. Jonathan Bishop, Executive Officer

Ms. Veronica Cuevas, Water Resources Control Engineer

Ms. Ronji Harris, Executive Assistant

Mr. Michael Levy, Staff Counsel

Ms. Blythe Ponek-Bacharowski, Unit Chief, Municipal Permitting Unit

APPEARANCES CONTINUED

ALSO PRESENT

Mr. Rodney Anderson, City of Burbank Public Works

Mr. Bryan Brock, NEXGEN Engineering Management

Mr. Gus Dembegiotes, City of Los Angeles, Bureau of Sanitation

Mr. Mark Gold, Heal the Bay

Ms. Anne Heil, Los Angeles County Sanitation District

Ms. Robyn Stuber, U.S. EPA

Ms. Melissa Thorme, Downey Brand

INDEX

PROCEEDINGS

CHAIRPERSON NAHAI: With that let's go to Item Number 14. There's an order with respect to Item 14. Let's have the opening statement first. Do I have the opening statement?

SECRETARY HARRIS: This is a public hearing to consider adoption by this Board in accordance with State and federal legislation of national pollutant elimination discharge systems waste discharge requirements for discharges to navigable waters or tributaries there to.

A notice of this hearing and the Board's intent to prescribe waste discharge requirements was published in a newspaper of daily circulation in the geographical area of the discharge as prescribed by law. Copies of the order were sent to interested persons.

The order of presentation at this hearing will be noted by the Board Chair. All persons appearing before the Board today should leave written copies of their testimony if available. The Board will consider all testimony. However, in the interest of time, it is requested that all repetitive and redundant statements be avoided.

Mr. Chair, will you now please open the hearing and administer the oath?

CHAIRPERSON NAHAI: I shall.

Will all those who are going to make presentations to us today please rise and please repeat after me.

(Thereupon all prospective witnesses were sworn.)

CHAIRPERSON NAHAI: Thank you.

All right. Let me just talk a little bit about the sequence of events, because this is a formal adjudicative hearing. And time limits have been worked out so that we can have a smooth set of presentations this morning.

There will be two presentations of the case in chief: One by Board staff, one by the City of Burbank. And each of those will take 20 minutes.

Following the presentations in chief, we'll hear from other interested parties who have provided cards. And those will be five minutes each.

Following that, we will have rebuttal presentation by each of the parties limited to -- I'm sorry. After that, we'll have cross-examinations by each of the parties again limited to ten minutes each.

And following that, there will be rebuttal testimony again limited to ten minutes each.

And once that is done, we'll have Regional Board deliberation between the members.

Michael, what I've been told here is that we can

have deliberation in either open or in closed session. Is that correct? Or do we need to deliberate in open session?

SENIOR STAFF COUNSEL LEVY: It's correct. It's the Board's practice to deliberate in open session. That's what we've routinely done. But we've updated our hearing notice largely in the response to the MS4 litigation. We're clarifying the rules that apply. If you want to go into closed session, legally you could. Generally, I don't recommend it unless there's some reason to do it. Keeping with your ordinary practices is adequate.

CHAIRPERSON NAHAI: We never do that unless it's with respect to very specific matters.

All right. In that case, then let's start with Regional Board staff. And could we have the timer set for 20 minutes, please?

(Thereupon an overhead presentation was presented as follows.)

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: Good morning, Mr. Nahai and members of the Regional Board. My name is Blythe Ponek-Bacharowski. And I'm the Unit Chief for the Municipal Permitting Unit. Also present today are Veronica Cuevas, the project engineer for this item; Mike Lyons, our biologist, and Dan

Radulescu, our pre-treatment coordinator. They're also present.

Item 14 is consideration of waste discharge requirements and NPDES permits to discharge tertiary-treated wastewater from the Burbank Water Reclamation Plan into the Burbank Western Channel, tributary to the Los Angeles River.

Comments received can be found beginning on agenda page 14-346.

Response to comments are located beginning on agenda page 14-300.

And there are no change sheets for this item.

I would like you to know though yesterday at about 6:10 we received a group-wise e-mail asking for staff to bring the entire administrative record to this Board hearing. The record is big, very big. And in a previous letter dated October 27th, the Executive Officer made clear to the interested parties that if we were to bring the administrative record, we would have to have the request by 5:00 p.m. last Monday. And we did not receive that request until last night.

And we also received a call yesterday, although I picked it up this morning on my voice mail. The City of Burbank found -- they did not believe that the compliance history and the Board's package were correct. We've

spoken with our enforcement people this morning. They're here if you need to ask them any questions. And they concur that that table in your binder is correct.

SENIOR COUNSEL LEVY: Michael Levy, Senior Staff Counsel.

Just to clarify. The hearing notice, Burbank supplemental hearing notice dated October 27th, 2006, indicated the entire file will become a part of the administrative record of this proceeding irrespective of whether individual documents are specifically referenced during the hearing. The entire file will not be present in the hearing room. Should any party or interested person desire staff to bring to the hearing any particular documents that are not included in the agenda packet, they must submit a written or electronic request to staff by 5:00 p.m. on Monday, November 6th, 2006. The request must identify the documents with enough specificity for staff to locate them. And we didn't receive the request actually until this morning. It was transmitted at 6:45 last night. Thank you.

CHAIRPERSON NAHAI: Who did the request come from?

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: From Rodney Anderson with the City of Burbank.

EXECUTIVE OFFICER BISHOP: I'm going to make a request at this point that we restart the clock at this point for the presentation. This is procedural issues. And we're not going to get through the presentation if we've already used five minutes.

CHAIRPERSON NAHAI: All right.

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: Thank you.

The Burbank Water Reclamation Plant is located at 740 North Lake Street in Burbank, California. It has a dry weather design capacity of nine million gallons per day and serves approximately 100,000 people. As I said, they discharge tertiary-treated municipal wastewater to the Burbank Western Channel through Discharge Serial 002. Previously, they had a discharge through 001 from the cooling blow down from the steam powerplant. That is now being piped to the sanitary sewer.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: The City of Burbank currently discharges wastewater under Order No. 98-052 which was adopted by the Regional Board in June of 1998. And that Order superceded Order 96-050.

After the City failed to obtain a stay from the State Board through the petition process, the City of

Burbank along with the City of Los Angeles filed lawsuits in court.

On December 29th, 1999, the court issued a stay of the following 31 contested effluent limits contained in Order 98-052 for the Burbank plant. They were: Ammonia, nitrogen, arsenic, bis(2-ethylhexyl)phthalate, bromodichloromethane, chloromethane, bromoform, cadmium, chloroform, chromium VI, copper, cyanide, 2,4-D, detergents, dibromochloromethane, 1,4-dichlorobenzene, 1,2-dichloroethane, endrin, ethylbenzene, iron, lead, lindane, mercury, methylene chloride, nickel, selenium, silver, silvex, tetrachloroethylene, toluene, total phosphates, total residual chlorine, and zinc.

Once a stay was issued, the limits in the previous Order 96-050 for the corresponding pollutants was reactivated. Both Orders pre-dated the SIP, the CTR, and all the Los Angeles River TMDLs.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: The next slide outlines the beneficial uses of surface waters both for the Burbank Western Channel and the Los Angeles River.

I just wanted to remind you that the Burbank Channel and the Los Angeles River have a potential designation for municipal and domestic supply. And none

of the limits proposed in the Burbank permit are based upon the protection of the potential MUN.

However, limits are set to protect illegally designated beneficial uses listed in the slide, such as groundwater recharge, warm water habitat, and water contact recreation.

Some of the disagreements with the City arise from our duty to fully protect the groundwater recharge beneficial use.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: Groundwater recharge, a beneficial use specified in the Basin Plan, occurs in the unlined channel of the Los Angeles River where the underlying sediments are transmissive to water as well as pollutants. Because there is an existing MUN use of the groundwater underlying these discharges, limits based on the primary drinking water standards, Title 22 based standards, are contained in the tentative permits for protection of the groundwater recharge beneficial use and for protection of the MUN beneficial use of the receiving groundwater basin. This is consistent with what the Board has done in other NPDES permits issued by this Board and is consistent with the State Board precedential order for the Whittier Narrows Plant.

In addition, it has been demonstrated through reasonable potential calculations that the discharge has reasonable potential to cause or to contribute to an exceedance of certain secondary MCLs. Secondary MCLs are established for contaminants that can cause nuisance, taste, or odor impacts. And in order to protect the Basin Plan narrative Water Quality Objective for Taste and Odor, limits based on secondary MCLs have been placed into these permits. Again, this is consistent with what we've done in other NPDES permits and consistent with State Board precedential orders.

In other words, effluent discharge data shows there's a threat to surface water quality. Therefore, limits are needed to protect the Basin Plan beneficial uses and the water quality objectives. We do not have to wait until groundwater basins are impaired to apply an effluent limit that is protective of the groundwater.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: Next slide is the Burbank compliance history, which I told you seems to be in dispute, although our enforcement people say it is accurate. Between January '99 and December 2005, discharges from the Burbank plant have occasionally exceeded these limitations. And the full compliance history can be found on pages 14-7 and

14-8 of your agenda binders. And you can see some pollutants were exceeded and more times than others.

The exceedances for acute toxicity and nutrients were most likely caused by ammonia no longer present in such high concentration because of the upgrades at the plant.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: Next slide is a continuance of the compliance history. These come from the discharger self-monitoring reports.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: There were major changes to these permits since the last permits that were adopted in the '90s obviously have CTR and SIP and multiple TMDLs.

Specifically, we have TMDLs based for metals and nutrients.

We have placed in a chronic toxicity narrative effluent limit.

We updated the temperature and bacteria limits.

We got rid of limits with no reasonable potential similar to other NPDES permits the Board has adopted.

And we have eliminated discharge 001 and made a prohibition on that.

We changed some of the monitoring and reporting program.

And we also added bio-assessment monitoring as well as watershed-wide monitoring.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: In July of 2003, the Regional Board adopted a TMDL for nitrogen compounds and related effects in the Los Angeles River. It was revised through various iterations. And the tentative permit contains final effluent limits for ammonia nitrogen, nitrite nitrogen, nitrate nitrogen, and nitrate plus nitrite nitrogen consistent with the nutrient TMDL for the Los Angeles River. And the TMDL specifies 30-day effluent limitations for all four constituents and one-hour average which was applied as a daily maximum limit for ammonia nitrogen.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: As I mentioned before, we also added a trigger similar to other NPDES permits for chronic toxicity. Once that trigger is exceeded, the requirements of the monitoring reporting program require accelerated monitoring and a TI trigger and implementation to see what the cause of the chronic toxicity is. This is just the same as we've put in all our NPDES permits recently.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF

PONEK-BACHAROWSKI: We also placed MCL based limitations in the tentative order. As I said, the Burbank wastewater recharges groundwater basins which are currently used for drinking water. And the Water Quality Based Effluent Limitations for total trihalomethanes, phthalate, and iron are contained in the Burbank tentative Order to protect the groundwater recharge beneficial use and that underlying groundwater, and because the effluent monitoring data show there was reasonable potential to exceed the Basin Plan water quality objectives which are the MCLs.

In very few cases, the Basin Plan Water Quality Objectives, which are the Title 22 drinking water standards, are more stringent than the CTR organisms only criteria for human health protection.

This Order also contains an effluent limitation for arsenic based on the federal MCL, because the State MCL is in the process of being updated. But it will be either set equal to or more stringent than the federal.

The arsenic total trihalomethanes and iron limits are not more stringent than the federal requirements because they are equal to the federal MCL.

The bis(2-ethylhexyl)phthalate is the only limit

that might arguably be considered more stringent than the federal requirement, because the California MCL is more stringent than the federal MCL. However, staff have conducted an economic analysis and have considered the factors in Section 13241 of the California Water Code as discussed in our fact sheet beginning on page 14-66 of your binder. The MCL-based effluent limits are protective of the groundwater recharge beneficial use and are expressed as monthly averages because a pollutant is not expected to have an immediate effect on the receiving water beneficial use.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF

PONEK-BACHAROWSKI: There was also an amendment to the Water Quality Control Plan to update the bacterial objectives for water bodies designated for water contact recreation. That was adopted by the Regional Board in October 2001 and was approved by OAL and State Board and U.S. EPA. And it's now in effect and must be incorporated into the receiving water requirements of the NPDES.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF

PONEK-BACHAROWSKI: We made changes to the monitoring reporting programs consistant with other NPDES permits, inland plant permits. We increased the frequency for the

influent monitoring. Quarterly monitoring is required.

Effluent monitoring section we placed monthly monitoring for constituents with limits to demonstrate compliance.

And in the receiving water section, we changed the frequency of testing on metals, organic priority pollutants, and pesticides, which was quarterly, semi-annually, and semi-annually respectively.

The discharger is also required to participate in the Los Angeles River Enhancement and Management Plan Steering Committee and with other interested stakeholders to develop a watershed-wide monitoring program. And that becomes effective -- that requirement within two years of the effective date of the Order. However, we do have annual bio-assessment monitoring required, and that begins on the effective date of the Order.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: These are the major issues that still are unresolved.

We've reviewed comments from the discharger and the interested parties. And the first issue is that City of Burbank requested that the adoption of the permit be postponed.

I want to remind you those permits expired three

and a half years ago and need to be reviewed. In addition, the court stipulated that Burbank's permit and the City of L.A.'s permits be reviewed and submitted to the court by December 31st this year.

And I'd like to remind you that these first five issues listed on the slide were initially raised by County Sanitation Districts four years ago in 2002 when the Board was considering the Los Coyotes, the Long Beach, and Whittier Narrows permits. And our recommendations are consistent with the actions the Boards took on those issues and also consistent with State Board precedential orders in response to those petitions.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: One of the issues still outstanding is daily maximum limitations. Pursuant to 40 CFR for POTWs continuous discharges, all permit effluent limitation standards and prohibitions including those necessary to achieve water quality standards shall, unless impracticable, be stated as average weekly and average monthly discharges limitations.

Publicly-owned treatment works, or POTWs, are not exempt from daily maximum effluent limitations. It is impracticable to only include average weekly and average monthly effluent limitations in the permit, because a

single daily discharge of certain pollutants in excess amounts can cause violations of water quality objectives.

The effects of certain pollutants on aquatic organisms are often rapid and acutely toxic. For many pollutants, an average weekly or monthly effluent limitation alone is not sufficiently protective of beneficial uses.

As an illustration, the POTW could comply with their weekly or monthly averages, yet there could be days, multiple days even, where they could exceed a numeric target or numeric value which would be protective of aquatic life. They could exceed that and yet still make their weekly or monthly average. And so in that respect, the daily maximum limitations are necessary to prevent these acute toxic events.

Also daily maximum limits for BOD were carried over from the previous in-state previous NPDES permits to avoid backsliding. The daily maximum limits for BOD, suspended solids, oil and grease, and settleable solids were not among the list of litigated pollutants.

In addition, you could have sludge of BOD which depress the dissolved oxygen in the water. You could have fish kill or definitely impact on aquatic life. And suspended solids, oil and grease, and settleable solids can impact fish gills and those animals that up-take by

fill feeding and that type of thing.

And Regional Board staff used SIP procedures for calculating the daily maximum limits for aquatic life and human health criteria. Nothing in the SIP daily bars us from using daily maximums for human health criteria. It is appropriate and justifiable to set daily maximum limits for mercury, bis(2-ethylhexyl)phthalate and lindane because they are endocrine disrupters. Mercury also bioaccumulates in fish tissue. And chlorodibromomethane, or most of the trihalomethanes for that matter, had been shown to be acutely toxic to Cyprinus carpio, or the common carp.

Furthermore, State Board precedential orders which have been made part of the record on the matter today upheld the use of daily maximum effluent limitations in the Whittier Narrows, Los Coyotes, and Long Beach permits.

And U.S. EPA has also submitted a comment letter to us which states that the Regional Board staff calculated these maximum daily effluent limits in accordance with the SIP and believe they are consistent with the SIP and NPDES regulations.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: Mass based limits are required by

NPDES regulations at 40 CFR 122.45(f). We have very little wiggle room, if you will, with that.

Furthermore, the State Board precedential orders for the County San plants also upheld our use of the mass-based and concentration-based effluent limitations.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: The discharger asked that all MCL-based limits be removed from the existing permit and be replaced with performance goals or at least be applied as receiving water limitation. However, that's not practical. As the City pointed out in their comment letter, groundwater limits would be difficult to enforce. By setting the groundwater basin as the point of compliance, we would not be able to adequately protect the groundwater beneficial use. So for that reason, we did make the compliance at the end of the pipe for those constituents.

The limits contained in the revised NPDES permit protect the existing groundwater recharge beneficial use and are consistant with the state antidegradation policy and protect the existing municipal and domestic supply.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: The discharger is opposed to having

final effluent limitation in iron in the NPDES permit and requests it be deleted.

The 300 microgram per liter limit for iron which was included in the existing permit is based on the U.S. EPA's natural recommended water quality criteria known as the Gold Book. And the Gold Book was updated in November 2002 by EPA. With this update, the criteria for some pollutants was deleted, but the criteria for iron remained. Since iron is not a priority pollutant, the CTR does not contain criteria for this consistent. Therefore, Regional Board staff used the Gold Book as a supplemental criteria to protect human health.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: On the matter of the REC-1 and CTR-based limits issue, the discharger would like to have all standards relaxed during wet weather. However, the Resolution that the Board adopted in 2003, High Flow Suspension of Recreational Uses, only suspends the bacteria water quality objective in wet weather, not other limits.

The Basin Plan designates REC-1 as an existing beneficial use which is water contact recreation, and that includes the catching and eating of fish for several reaches of the Los Angeles River. Even though access to

some of these water bodies is restricted by public works, the beneficial use still needs to be protected. And in addition, due to the tributary rule, limits have to be protective of human health because there's free access to the estuary and to beach areas all year round.

CTR Human Health Organisms Only criteria apply to non-MUN designated or the REC-1 designated water body.

Effluent data submitted by the City demonstrate that reasonable potential exists to exceed or contribute to an exceedance of criteria for mercury -- I should get more time for this -- bis ethylhexylphthalate, dibromochloromethane, dichlorobromomethane, and lindane intended to protect the REC-1 beneficial use. Therefore, the permits contain CTR-based limits to protect the designated beneficial use, one which is the REC-1.

And furthermore, the State Board Precedential Orders for the County San, Whittier Narrows, Long Beach, Los Coyotes upheld the Regional Board's inclusions of similar CTR-based limits for mercury.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: Now, the City requested that the TMDL limits for cadmium lead be deleted because there's no reasonable potential. Likewise, the City requested the TMDL-based limits for nitrate nitrogen, nitrite nitrogen,

nitrite plus nitrate nitrogen, and ammonia nitrogen be removed because they upgraded their plants with NDN. But because there is a TMDL and waste load allocations, even though there's no reasonable potential, we must place a permit limitation in the permit. And that is exactly what we've done.

And even though the copper and zinc limits are not exactly equal to the waste load allocations in the TMDL, they are consistent with the implementation of the section of the metals TMDL for the L.A. River which reads, "permit writers may translate applicable waste load allocations into effluent limits for major, minor, and general NPDES permits by applying the effluent limitation procedures in the SIP." And that's exactly what we have done. And you'll see there's an EPA letter in there, and they also support our use of deriving those limitations.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: Temperature issue. The existing City of Burbank NPDES contains an effluent limitation of 100 degrees --

CHAIRPERSON NAHAI: Blythe, are you almost done?

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: Yes. Can I have five more minutes, sir?

CHAIRPERSON NAHAI: If you take five more minutes, I'm going to have to give five more minutes to everybody else.

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: That would be okay.

BOARD MEMBER CLOAK: She's on page 7 of the slide.

CHAIRPERSON NAHAI: I understand that. But we agreed to 20 minutes.

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: I'll cut it right now.

CHAIRPERSON NAHAI: Take another two minutes.

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: Just to wrap up, there are outstanding issues. One is the temperature issue, which I think we've explained adequately in our response to comments. Also is the issue related to the SSO requirements in the NPDES permit.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: Those in some ways are more explicit and may be a little more restrictive than those in the general order for this SSO that the State issued. However, we feel that we need to have much more concise reporting of spills, et cetera. And so I can go over that

later also.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: Anyway, to wrap things up, we believe that we've done our duty as far as answering response to comments and being in compliance with all the applicable State and federal regulations as well as Court Order. So I would ask that you adopt Item 14 as proposed.

--o0o--

MUNICIPAL PERMITTING UNIT CHIEF PONEK-BACHAROWSKI: Thank you. That concludes my presentation. And I have my whole permit team here to answer any questions you may have. Thank you.

CHAIRPERSON NAHAI: Thank you very much. Thank you.

Okay. Let's hear from City of Burbank. Please reset the clock for 20 minutes.

(Thereupon an overhead presentation was presented as follows.)

MR. ANDERSON: Good morning. My name is Rodney Anderson. I'm representing the City of Burbank Public Works. I'm the Assistant Public Works Director there overseeing wastewater, storm water, and the water reclamation plant. Thank you for hearing our comments today on Item Number 14.

The first thing I would like to do is give you a little background of the Burbank Water Reclamation Plant just to help in your understanding of what we're looking at.

--o0o--

MR. ANDERSON: I'll talk about the history of the Burbank Water Reclamation Plant and about some recent upgrades we've been doing at the reclamation plant.

--o0o--

MR. ANDERSON: The Burbank Water Reclamation Plant was built in 1966 as a six million gallon a day plant. And the purpose the plant was built was to supply recycled water to the Burbank Power Plant. This was a forward-thinking, forward-moving idea by the City to use recycled water in this way rather than potable water imported from other parts of the state.

In 1976, we upgraded to nine million gallons a day. And in addition to numerous small projects that happen every year in upgrading the plant, we did another major renovation in 1985.

--o0o--

MR. ANDERSON: I have a few slides there of the old plant. You can see where it's been over the years to what it looks like now.

--o0o--

MR. ANDERSON: Since 1998, we've undergone some significant upgrades to our plant. And I use the date 1998 because that was the date of our last permit being issued. We have been doing these construction projects to make our plant first class and deliver excellent recycled water quality. And this was done not in response because we had to, because we had a stay on permits limits, as you know. It's because we thought it was the right thing to do. We've done three rather large projects since 1998. One of them they completed in 2000 included the upgrade of our filter system. We installed brand-new tertiary filters.

--o0o--

MR. ANDERSON: We also did a number of electrical and chemical improvements at the treatment plant. Overall, this project cost about $15 million. And again, it was completed in 2000.

--o0o--

MR. ANDERSON: In addition to those upgrades, in 2003, we upgraded the plant for nitrification and denitrification. It's a biological nutrient removal. And with that project we installed baffle walls as this photo shows and a number of diffusers. That project costs $6.2 million.

--o0o--

MR. ANDERSON: What that project allowed us to do was create different zones. And it can nitrify, as you can see in the background of this picture, where air is added and denitrify in the front. It was a very successful project.

--o0o--

MR. ANDERSON: And what it allowed us to do was to reduce our ammonia discharge from the plant. That was in 2003. This chart shows what our ammonia concentration was in the project before and after the project. As you can see, it dramatically dropped. We're discharging ammonia now at less than one milligram per liter.

--o0o--

MR. ANDERSON: In 2005, we did another upgrade to our disinfection process. And that project allowed us to remove gaseous chlorine from the plant, install sodium hydrochloride disinfection along with sodium bisulfite dechlorination. That project costs $4 1/2 million --

--o0o--

MR. ANDERSON: -- and also included upgrades to our return activated sludge system to improve our efficiency at the plant.

These projects over the past eight years have totaled over $26 million towards improvements. And these improvements were made well ahead of any nutrient TMDL

compliance schedule and at a time, as I said before, where the majority of our limits were stayed.

Burbank's demonstrating it's proactive and permits requirements are not needed to prod us into action and implement new technology to implement water quality.

--o0o--

MR. ANDERSON: In addition to our many upgrades, we've also been doing a number of studies and been funding those. Water effects ratio studies in ammonia. Water effects ratio study which was completed a couple years ago, and I believe you'll be hearing that early spring next year. And also a copper water effects ratio study which we did with the City of Los Angeles. And the field work has been done. You'll be getting a report on that sometime next year.

We've also done an algae impairment study, and that was with the City of L.A. in response to nutrient TMDL implementation plan. That study showed our NDN process was so successful there is no algae impairment in the Burbank Western Channel.

We're also participating in a groundwater nutrient loading study with the City of Los Angeles. And this again is in response to nutrient TMDL implementation plans. And we are required to do that study with the City of L.A. to quantify the amount of nutrients coming up in

the Glendale Narrows into the Los Angeles River. So here we have a study where it's recognized there is upwelling in the Glendale Narrows, and we have to fund a study to show how much upwelling and how much nutrients are there.

We're also going to be doing a copper translator study. We recently received approval of that work plan about a week ago, and we will be conducting that study shortly. So that is some background.

--o0o--

MR. ANDERSON: And I want to go through a few of the issues we have with our permit that were touched on briefly, but I want to walk through those. The first issue I want to raise is effluent limits based on drinking water limits. The next is sanitary sewer overflow provisions. Third is limits imposed where there is no reasonable potential. If I have time, I'm also going to touch briefly on daily maximum limits that I don't believe are proper.

--o0o--

MR. ANDERSON: Effluent limits based on drinking water limits. Data shows there's no threat to groundwater for constituents. Potable drinking water MCLs are legally valid and applicable in NPDES permits where the surface water has been designated with an MUN. However, as you know, the Burbank Channel and L.A. River are not being

used for drinking water purposes. And there's no existing MUN beneficial use for this water body.

None the less, the tentative permit includes effluent limits based on MCLs by inappropriately applying those MCLs to the groundwater recharge use. The permit states these are necessary to protect groundwater as a drinking water source. In principle, we agree that recycled water should not threaten the use of groundwater and the quality of it.

On the other hand, we do not believe imposing effluent limits on our discharge is necessary or reasonable.

The first reason we don't believe it's reasonable is our discharge is to the concrete lined channel. The only part of our water's journey that touches an unlined channel is in the Glendale Narrows area of the L.A. River, which is characterized as a gaining reach in that it experiences upwelling rather than recharge in the south bottom section.

And as I mentioned, the nutrient TMDL states and I quote, "The river bottom in this area is unlined because the water table is high and groundwater routinely discharges into the channel."

In fact, as I mentioned earlier, we're required to do a study to demonstrate how much upwelling is

occurring and how much nutrient loading is being added due to that upwelling.

Seems clear that the normal condition is upwelling rather than recharge. Should conditions occur where recharge does happen, then the permit we believe could be reopened at that time and then those could be added. But at this point in time, recharge is not happening. It's upwelling.

A second and perhaps more direct reason why effluent limits should not be imposed is the lack of evidence that our discharge is having any measurable effect on groundwater quality. I was able to get some data from the LADWP drinking water production wells down gradient from Glendale Narrows, and the results were far below drinking water standards. And I have a few slides on that.

--o0o--

MR. ANDERSON: This is arsenic data collected from those wells. As you can see, arsenic has been basically non-detect in all but one sample. And that one detection was well below the water quality standard.

--o0o--

MR. ANDERSON: Bis(2-ethylhexyl)phthalate, again only one detection well below the water quality standard. All the non-detect is more recent data in fact.

--o0o--

MR. ANDERSON: Iron, iron has been showing non-detects for the last four years. Prior to that, there was some detection, but it was well below the water quality standard.

--o0o--

MR. ANDERSON: And finally, in total THMs, which is the fourth consistent we're given MCLs on -- I didn't put these in the table because there was 115 data points. I couldn't fit them on a slide, so I made a chart. And as you can see, the total THM level is below one for the past 14 years. There were a couple in '92 that were a little higher, but still well below the 80 drinking water MCL.

--o0o--

MR. ANDERSON: Therefore, we do not agree we should have these effluent limits where the water quality groundwater is not threatened.

What we would suggest as a revision, the first would be that our effluent limits be changed to performance goals until the data indicates that our discharge measurably influences the groundwater quality.

The second option would be to move these effluent limits to groundwater receiving water limits as was originally proposed in our draft permit. That is a more direct way to measure is the groundwater being impaired in

any way. And as we can see from history, it's not a problem there. It would be very difficult for us to get an enforcement action against us for, say, THMs that are a little above 80 for the purpose of protecting groundwater when groundwater continues to show less than one microgram per liter.

--o0o--

MR. ANDERSON: The second issue I want to talk on is sanitary sewer overflow provisions. And we believe the requirements in the draft NPDES permits are more stringent than statewide WDRs. Spill reporting requirements included in the revised set of permit include provisions that are more stringent and findings that evidence are not provided to justify these more stringent level of regulations. The requirements from the draft permit include the sampling and analysis of overflows and multiple days of sampling in the channel.

The justification given for the sampling analysis is to properly characterize the spill and determine what mitigation will be used. Realistically speaking, the mitigation used on overflow is to get that overflow back into the sewer system. No matter what the quality is of different constituents, that's the mitigation. You put it back in the sewer. Sampling and analyzing the overflow will not yield useful information on the response to an

overflow.

The sampling analysis adds significant burdens to a city the size of Burbank, a burden that's not placed on other cities that don't have POTWs in the region and the rest of the state and raises the question of equal application of the law on fundamental fairness. What is the justification for putting a greater burden on the City of Burbank with regards to its collection system that's not put on other cities in the region, cities like Beverly Hills, Culver City, Santa Monica. They have collection systems. Do they sample when they have an overflow of both the spill itself and the water body? Or we have to because we're recycling water, so we have this greater burden? It seems we're being punished when there's no evidence to show we're having an excessive number of spills.

--o0o--

MR. ANDERSON: We would request that the findings show that there are WDRs that are across the board for all cities. We're all on a level playing field. And only what is required in the Clean Water Act as far as mitigating and reporting are what's included, not these additional burdens about that other cities don't face.

--o0o--

MR. ANDERSON: The other item I'd like to touch

on number three is limits imposed where no reasonable potential exists. Federal regulations, the TSD, and the SIP include a reasonable potential analysis methodology for determining which constituents should be included as permit limits. And this methodology was used for a lot of constituents. And I believe it was used correctly. But it wasn't used for all the constituents. For some, they didn't do the reasonable potential analysis. We think it should have been done. Examples are chloride, TDS, sulfate, MBDS, nitrite, and ammonia. We're not showing any reasonable potential for these constituents, and yet they're still in our permit.

Now, the earlier presentation brought up some issue of perhaps we can hurt aquatic life with oil and grease and some other things. This was brand-new. This isn't in the findings that state this. This was new information to us.

Some priority pollutants that also didn't show reasonable potential are cadmium, lead, and mercury. Cadmium, lead the reason given that there is a TMDL for these constituents, and therefore we have to have permit limits. We don't believe that just having a TMDL means there's reasonable potential.

Furthermore, cadmium I've presented before you in the past, there is no cadmium problem in the L.A. River or

Burbank Channel. I requested that be stricken from the 303(d) list back in the 2002. They said collect more data, it will get taken off. The TMDL was created before that could be removed from the 303(d) list. And now we have a limit. And I was told we have to have a TMDL because it's listed. And now I have to have a limit because it's in the TMDL. Well, the recent 303(d) hearing they delisted all of cadmium. So there's not a cadmium problem. But now it's finally getting down to where we have permit limits. It's frustrating for us.

Mercury is another one we don't believe there's reasonable potential. And the reason is the recent potential is based off of one DNQ value, which is below the reporting limits, and they can't quantify what's below reporting limits. And that's what the reasonable potential is based on for mercury.

The last item I wanted to touch on -- and I apologize. Let me put up my suggestion.

--o0o--

MR. ANDERSON: For the no reasonable potential is to remove those constituents where reasonable potential analysis has not been done. And they shouldn't be included.

Finally, I want to touch briefly on -- and I apologize I don't have a slide. Federal regulations, I

want to talk about daily maximum limits that were imposed. It was brought up earlier, so I wanted to touch on it briefly. Federal regulations now authorize daily maximum limits for POTWs unless new practicability analysis has been performed. Notwithstanding this regulation and a Court Order to that effect, the permit still includes daily maximum limits that have not adequately justified the impracticability of daily limits. The Regional Board cannot solely rely on the SIP, because the SIP did not perform a practicability analysis before authorizing any daily limits.

As was said actually in the earlier presentation, certain pollutants meet daily maximum limits. We agree with that. Aquatic life means you need to have daily maximum limits. The once for human health that are addressed in the SIP, daily maximum limits we don't believe are necessary. Since each human health criteria are based off an exposure of two liter a days for 70 years, a one-day exceedance would not threaten this beneficial use as long as the water body met the level for a long-term annual average. Thus, limits to protect human health should be set as monthly average effluent limits only as done in other regions in California.

So we would suggest that the daily maximum limits be stricken for those constituents that are based on human

health and not based on aquatic life. And these include settleable solids, suspended solids, oil and grease, BOD, mercury, dibromochloromethane, dichlorobromomethane, bis(2-ethylhexyl)phthalate, and lindane. Most of these are technology based or human health based requirements for which daily maximum limits are not justifiable. Those are the main four, although obviously our comment letters mentioned many other changes we would like to see. Those are the biggest issues we want to see. And I wanted to bring those to your attention. Thank you.

CHAIRPERSON NAHAI: Thank you very much.

We're going to move on to hear from others who have given us cards. But first I'd like to call to the podium Robyn Stuber from U.S. EPA.

MS. STUBER: Good morning. My name is Robyn Stuber. I'm an environmental scientist representing EPA Region 9. For the record, our address is 75 Hawthorne Street, San Francisco, 94105.

On October 17th, EPA submitted comments supporting the issuance of Burbank's draft permit. My comments today focus on three issues related to water quality based effluent limits in the draft permit. These are: Daily maximum rather than weekly average effluent limits for POTWs; water quality based effluent limits for minerals like TDS and chloride; and water quality based

effluent limits protecting the existing groundwater recharge beneficial use in surface waters downstream of the Burbank discharge.

So on the first issue, long-standing EPA guidance explains that the basis for weekly average effluent limits for POTWs comes from EPA secondary treatment standards. These treatment standards are not related to the practical need for POTWs to meet water quality standards. Consequently, the draft permit correctly proposes daily maximum rather than weekly average limits or just monthly average limits for CTR pollutants protecting aquatic life and human health.

Region 9 believes these daily maximum limits are required by SIP procedures and NPDES regulations for the following reasons.

Daily maximum limits are needed for POTWs to prevent and to assess short-term exceedances of acute and chronic water quality standards and as a measure to evaluate compliance with human health criteria during operational periods between monthly sampling events.

As a result, it's impractical to set weekly average limits for aquatic life or to just set monthly average limits for human health. This is because these types of limits alone do not ensure that POTWs will be operated in a manner which complies with all applicable

water quality standards as required by 40 CFR 12244(d)(1)(7).

On the second issue, the draft permit proposes water quality based effluent limits for minerals like TDS and chloride that protect surface water quality. Given the serious salt and mineral problems in California's surface and groundwaters, we generally believe that sources like POTWs have the reasonable potential to contribute to water quality standards exceedances including anti-degradation. These limits will provide a platform to engage stakeholders to manage salt and mineral loadings in basins before degradation of surface water quality necessitates a 303(d) listing for salt or mineral pollution.

And finally on the third issue, the draft permit proposes water quality based effluent limits based on the Basin Plan's MCL objectives, which are logically protective of the groundwater recharge beneficial use. Because reasonable potential is determined, it's appropriate to include these limits to protect the existing groundwater recharge beneficial use and surface waters downstream of the discharge.

We recommend this permit be adopted as proposed by Regional Board staff. Thanks very much.

CHAIRPERSON NAHAI: Thank you very much.

Next Ms. Anne Heil, L.A. County Sanitation District. And there's a five-minute time limit.

MS. HEIL: Okay. I won't take five minutes.

CHAIRPERSON NAHAI: Okay. Thank you.

MS. HEIL: Good morning. I'm Anne Heil with the Los Angeles County Sanitation Districts. We submitted comments on the Burbank permit on October 2nd, 2006, and October 18th, 2006. I'm not going to repeat any of our written comments, but I did want to comment on some of the differences between a situation at our Whittier Narrows Water Reclamation Plant and the Burbank Water Reclamation Plant regarding imposition of effluent limits based on MCLs due to recharged or groundwater beneficial uses.

As you are aware, we petitioned the permit for our Whittier Narrows plant to the State Board on several matters including the issue of whether it was appropriate to include MCLs as effluent limits in the permit due to incidental recharge of groundwater in unlined portions of rivers downstream at the plant. The State Board ruled in WQO-2003-0009 that the Regional Board could impose such limits as long as hydrogeologic pathway or conditions exist from the surface water to the groundwater.

The key difference between the Whittier Narrows Plant and the Burbank Plant is that the Whittier Narrows Plant discharges directly to the unlined portions of the